

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ERIC GRIFFIN,	)	
PAMELA C. FARNSWORTH,	)	
	)	
Plaintiffs,	)	2:07-1266-RLH-RJJ
	)	
vs.	)	
	)	
DEPT. OF DEFENCE, DONALD	)	REPORT & RECOMMENDATION
RUMSFIELD, Secretary of Defence,	)	OF UNITED STATES
T.T.C. and CIA,	)	<u>MAGISTRATE JUDGE</u>
	)	
Defendant,	)	
	)	

The Court having reviewed this matter makes the following findings:

1. On January 9, 2008, the Court issued an Order (#12) setting a hearing for January 24, 2008, at 9:00 a.m. on Plaintiff, Eric Griffin's Affidavit of Truth (#9) and Plaintiff, Pamela C. Farnsworth's Motion/Application for Leave to Proceed *In Forma Pauperis*(#10).
2. Plaintiffs, Eric Griffin and Pamela C. Farnsworth did not appear for the hearing on January 24, 2008, as ordered by the Court. Order (#12).
3. Plaintiff, Eric Griffin filed a document (#9) labeled "Affidavit of Truth". This fifty-one (51) page document appears frivolous and not of any legal substance.
4. Plaintiff, Eric Griffin did not paid the filing fee nor has he filed a new, complete application to proceed *in forma pauperis* as ordered by the Court at a hearing held November 1, 2007. Minutes of Proceedings (#8).
5. Plaintiff, Pamela C. Farnsworth did not pay the filing fee nor has she submitted an acceptable application to proceed *in forma pauperis*.

6. Plaintiff, Pamela C. Farnsworth's Application to Proceed *In Forma Pauperis* (#10) curiously included a motion to compel filed by a party in another case.
7. Plaintiffs, Eric Griffin and Pamela C. Farnsworth were warned by the Court that failure to appear at the hearing scheduled for January 24, 2008, may result in a recommendation that this case be dismissed. Order (#12).
8. This case appears frivolous.

Based on the foregoing and good cause appearing therefore,

## **RECOMMENDATION**

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be  
**DISMISSED WITH PREJUDICE.**

## NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 5th day of March, 2008

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Robert J. Johnston  
ROBERT J. JOHNSTON  
United States Magistrate Judge